

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Dennis Gallipeau,)
)
Plaintiff,)
) Civil Action No. 3:21-cv-136-TMC
v.)
)
)
State Law Enforcement Division,)
Richland County Sheriff's Dep't,)
and Caraly Alvarez,)
)
Defendants.)
)

ORDER

Plaintiff, a self-represented litigant, filed this action against Defendants in the Court of Common Pleas for Richland County, South Carolina, (ECF No. 1-1), and Defendants removed it to federal court pursuant to 28 U.S.C. §§ 1331, 1446, (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), this matter was referred to a magistrate judge for all pretrial proceedings. Plaintiff then filed a motion to remand this action to state court (ECF No. 10). Defendants filed a memorandum in response (ECF No. 11), and Plaintiff filed a reply (ECF No. 13).

On February 16, 2021, the magistrate judge issued a Report and Recommendation (“Report”), recommending that the court grant Plaintiff’s motion and remand the matter to the Richland County Court of Common Pleas for lack of

subject matter jurisdiction. (ECF No. 17). The parties were advised of their right to file objections to the Report. *Id.* at 9. No party filed objections to the Report, and the time for filing objections has lapsed.

The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). Nevertheless, “[t]he district court is only required to review *de novo* those portions of the report to which specific objections have been made, and need not conduct *de novo* review ‘when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.’” *Farmer v. McBride*, 177 Fed. App’x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Greenspan v. Brothers Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standards, the court finds no clear error, **ADOPTS** the Report, (ECF No. 17), and incorporates the Report by reference herein. Accordingly, Plaintiff's Motion to Remand, (ECF No. 10), is **GRANTED**, and this matter is **REMANDED** to the South Carolina Court of Common Pleas for Richland County.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
March 9, 2021

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.